IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.24 OF 2007
IN
CRIMINAL APPLICATION NO.3332 OF 2005

Ms Savitri B. Nagpal and ors. ...Applicants

vs.

Kishor B. Nagpal & Ors. ...Respondents

Mr.Sunil Mogre with Mr.Mukesh Chhedda for the Applicants
Ms Rajeshri Gadavi, A.P.P. for State
Mr.P.M.Mody with Mr.R.R.Bhosale i/b M/s.N.C.Dalal & Co. for the Respondents.

CORAM: A.S.OKA,J.
DATE : JANUARY 16,2006.

P.C.:

1. Heard learned Counsel for the Applicant. The submission made by the learned Counsel for the Applicant is that the statement of the learned Senior Counsel for the first Respondent in Criminal Application No.3332 of 2005 recorded in order dated 20th December 2006 is being misinterpreted by the trial court while dealing with a suit filed by the Applicant. A prayer in this Application is for seeking clarification that the statement recorded in the said order will not affect the merits of the suit filed by the Applicants. The prayer is also made for recalling the statement/undertaking which is recorded in the order dated 20th December 2006.

2. The order dated 20th December 2006 reads thus :

"1) Heard the learned Counsel appearing for the Applicants and the learned Senior Counsel appearing for the

Respondent No.1.

2) Without prejudice to the rights and contentions of the 1st Respondent, the learned Senior Counsel Shri K.K.Singhvi states that if there is no restraint order passed by any Court of law, the notice dated 6th January 2005 under section 351 of the Mumbai Municipal Corporation Act, 1888 will be implemented within a period of four weeks from today.

3) S.O. till 25th January 2007."

3. It is obvious that this Court has not passed any direction. In the aforesaid order, the statement made by the learned Senior Counsel appearing for the first Respondent has been recorded. On the Application made by the applicants, the voluntary statement of the said Respondent recorded in the order cannot be recalled. As this Court has not passed any order directing demolition, it is not necessary to issue clarification. There is no merit in the Application and the same is rejected.

4. Parties to act upon an authenticated copy of this order.

JUDGE